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2013 OCT 22 PM 3:37

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY \_\_\_\_\_

JEFFER MANGELS BUTLER & MITCHELL LLP  
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Attorneys for Plaintiffs  
DEUTSCHE OEL & GAS AG AND KAY RIECK

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DEUTSCHE OEL & GAS AG, a  
Stuttgart Aktiengesellschaft and KAY  
RIECK, an individual,

Plaintiffs,

v.

DOES 1 through 10, inclusive,  
Defendants.

CASE NO.

**CV 13-07811** - Fmo  
CWA

COMPLAINT FOR

1. DEFAMATION/LIBEL; AND
2. TRADE LIBEL

Plaintiffs Deutsche Oel & Gas AG ("Deutsche") and Kay Rieck  
("Rieck") (collectively, "Plaintiffs") for their Complaint allege as follows:

**JURISDICTION AND VENUE**

1. Plaintiffs Deutsche and Rieck bring this action for injunctive relief and damages for, *inter alia*, Defamation and Trade Libel. This Court has subject matter jurisdiction over the claims pursuant to 28 U.S.C. §1332(a), in that the amount in controversy exceeds \$75,000 and this action is between citizens of different states.

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Butler & Mitchell LLP  
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2. Venue lies in this district pursuant to 28 U.S.C. § 1391(b)(3) because Plaintiffs are informed and believe that at least one Defendant is subject to personal jurisdiction in the district.

### THE PARTIES

3. Plaintiff Deutsche is a German company based in Stuttgart, Baden-Württemberg with branches in Houston, Texas and Anchorage, Alaska.

4. Plaintiff Rieck is the founder and CEO of Deutsche Oel & Gas AG, and resides in Stuttgart, Germany.

5. Plaintiffs do not know the true names or capacities, whether individual, corporate, partnership or otherwise, of Defendants Does 1 through 10, inclusive, and therefore sue said Defendants under fictitious names. Plaintiffs are informed and believe, and on that basis allege, that each of the fictitiously named defendants is, in some manner, responsible for the events and happenings referred to herein. When Plaintiff ascertains the true names and capacities of Does 1 through 10, it will seek to amend this Complaint accordingly.

### FACTS COMMON TO ALL CLAIMS FOR RELIEF

6. On May 6, 2013, Defendants sent an email from the account rieckkay@gmail.com containing the following (translated from the original German):

"Some persons say that Mr. Rieck is a defrauder.

Please ask yourself the following questions:

Are there currently any court proceedings against Mr.

Rieck in preparation either in Germany or in the U.S.A?

Are there any principal plaintiffs who are former

business partners of Mr. Rieck in the U.S.A.? They are,

1 among other things, entitled to receive shares in Kitchen  
2 Light.

3 Does the German revenue office carry out investigations  
4 due to tax evasion? You are supposed to know that Mr.  
5 Rieck is a tax fugitive.

6 What about the curriculum vitae of Mr. Rieck? What has  
7 he done professional by now? - Really done!?!?!? - A  
8 career in the U.S.A. as investment manager with broken  
9 English?

10 In the event that a bond will be placed-has the allocation  
11 of resources already been definitely planned? Is Mr.  
12 Rieck going to use the money above all for paying out the  
13 funds of Energy Capital Invest? The funds are distributing  
14 about 12% p.a. Where could the money come from if  
15 there is no gas production? Until now, former/preceding  
16 funds have been paid out by the newly established funds.  
17 A pyramid selling scheme? Does the company need the  
18 capital in order to be able to escape from the vicious  
19 circle?

20 In the event that gas will actually be produced- is Mr.  
21 Rieck going to sell the company and the rights in  
22 EXXON? Could it be that such contracts have already  
23 been negotiated?

24 Thus, you are recommended to be alert."

25 7. Defendants sent the above email using the address  
26 rieckkay@gmail.com to the underwriter bank of a bond that Deutsche's company  
27 was planning to issue.

28

8. Defendants also sent the above email using the same address to a credit rating agency. After receiving the email, the agency provided a speculative credit rating score for Deutsche which was worse than the previously announced credit rating score for the company.

## **FIRST CLAIM FOR RELIEF**

### **(Defamation/Libel)**

9. Plaintiffs reallege and incorporate herein by reference each allegation contained in paragraphs 1 through 8 above.

10. Plaintiffs are informed and believe, and on that basis allege, that Defendant willfully and without justification or privilege caused to be published to other persons the aforementioned untrue and unfounded statements, among others.

11. Defendants' statements disparaged Plaintiffs in that Defendants' statements falsely represented that Plaintiffs have defrauded their customers, their investors, and the government, that Plaintiffs are guilty of tax evasion, and that Rieck is incompetent at his job. These statements are libelous on their face because they charge Plaintiffs with dishonesty, deception, and fraud.

12. Defendants' statements are false, as Plaintiffs have not lied to, deceived, or defrauded anyone, nor are they guilty of tax evasion.

13. Plaintiffs are informed and believe, and on that basis allege, that Defendants' statements were made with knowledge of their falsity or with reckless disregard for their truth or falsity.

14. As a proximate result of Defendants' publication of the statements, Plaintiffs have suffered injury to their business and pecuniary loss in a sum subject to proof at trial, but, on information and belief, at least \$75,000.

15. Plaintiffs are informed and believe, and on that basis allege, that the aforementioned conduct of Defendants was done with the intention on the part of Defendants of causing Plaintiffs injury. Such conduct was despicable and subjected

1 Plaintiffs to a cruel and unjust hardship in conscious disregard of Plaintiffs' rights, so  
2 as to justify an award of exemplary and punitive damages.

3 16. Plaintiffs are informed and believe, and on that basis allege, that,  
4 unless restrained and enjoined, Defendant will continue to send emails containing  
5 false and disparaging statements about Plaintiffs.

6  
7 **SECOND CLAIM FOR RELIEF**

8 **(Trade Libel)**

9 17. Plaintiffs reallege and incorporate herein by reference each  
10 allegation contained in paragraphs 1 through 16 above.

11 18. The foregoing conduct by Defendants constitutes trade libel.  
12 Defendants made false statements of fact concerning Plaintiffs' business acumen and  
13 the way in which Plaintiffs conduct their business. Defendants stated that Plaintiffs  
14 have lied, deceived, and/or defrauded their customers, their investors, the  
15 government, and the industry in which Plaintiffs operate, and that Plaintiffs are  
16 guilty of tax evasion.

17 19. Defendants' statements are false, as Plaintiff has not lied to,  
18 deceived, or defrauded anyone, nor are they guilty of tax evasion.

19 20. Plaintiffs are informed and believe, and on that basis allege, that  
20 Defendants' statements were made with knowledge of their falsity or with reckless  
21 disregard for their truth or falsity.

22 21. As a direct and proximate result of Defendants' misconduct,  
23 Plaintiffs have sustained significant damages in an amount to be proven at trial.

24 22. Plaintiffs are informed and believe, and on that basis allege, that  
25 Defendants' aforementioned conduct was done with the intention on the part of  
26 Defendants of causing Plaintiffs injury. Such conduct was despicable and subjected  
27 Plaintiffs to a cruel and unjust hardship in conscious disregard of Plaintiffs' rights, so  
28 as to justify an award of exemplary and punitive damages.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray for relief as follows:

1. For an order awarding Plaintiffs general and/or specific damages, in an amount to be fixed by the Court in accordance with proof, but at least \$75,000, including enhanced and/or exemplary or punitive damages under Civil Code § 3294, as appropriate; and further for an order that such acts were willful and wanton, thereby justifying an award of treble and/or enhanced damages.

2. For a permanent injunction enjoining Defendants and their officers, directors, agents, affiliates, parents, subsidiaries, employees, and those persons in active concert, participation, or privity with them who receive actual notice of the order by personal service or otherwise, to:

A. Issue a retraction of their libelous email and apologize for having published such false and unfounded statements;

B. Cease using the account rieckkay@gmail.com; and

C. Cease and desist in the future from making any other statements proved to be false and/or defamatory at trial.

3. For an order directing Defendants to file with the Court, and serve upon Plaintiffs' counsel, within thirty (30) days after entry of the order of injunction, a report setting forth the manner and form in which Defendants have complied with the injunction.

4. For an order finding that, by the acts complained of herein, Defendants have engaged in defamation and trade libel under California state law.

5. For an order that this be deemed an exceptional case and that Plaintiffs recover from Defendants all of the expenses Plaintiffs have incurred due to Defendants' illegal actions, including, but not limited to, attorneys' fees, costs, disbursements.

1           6. For an order awarding Plaintiffs such other and further relief as the  
2 Court may deem just and proper.

3  
4 DATED: October 22, 2013

JEFFER MANGELS BUTLER & MITCHELL LLP  
ROD S. BERMAN  
JESSICA C. BROMALL

7  
8 By: 

ROD S. BERMAN  
Attorneys for Plaintiffs DEUTSCHE OEL &  
GAS AG and KAY RIECK


JMBM  
Jeffer Mangels  
Butler & Mitchell LLP

**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a jury trial as provided in Rule 38(a) of the Federal Rules of Civil Procedure.

DATED: October 22, 2013

JEFFER MANGELS BUTLER & MITCHELL LLP  
ROD S. BERMAN  
JESSICA C. BROMALL

By:   
ROD S. BERMAN  
Attorneys for Plaintiffs DEUTSCHE OEL &  
GAS AG and KAY RIECK

JMBM | Jeffer Mangels  
Butler & Mitchell LLP



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Fernando M. Olguin and the assigned  
Magistrate Judge is Carla Woehrle.

The case number on all documents filed with the Court should read as follows:

2:13-CV-7811-FMO (CWx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

October 22, 2013

Date

By MDAVIS

Deputy Clerk

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NOTICE TO COUNSEL

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

**Subsequent documents must be filed at the following location:**



Western Division  
312 N. Spring Street, G-8  
Los Angeles, CA 90012



Southern Division  
411 West Fourth St., Ste 1053  
Santa Ana, CA 92701



Eastern Division  
3470 Twelfth Street, Room 134  
Riverside, CA 92501

**Failure to file at the proper location will result in your documents being returned to you.**

UNITED STATES DISTRICT COURT  
for the  
CENTRAL DISTRICT OF CALIFORNIA

COPY

DEUTSCHE OEL & GAS AG, a Stuttgart  
Aktiengesellschaft and KAY RIECK, an individual,

Plaintiff(s)

v.

DOES 1 through 10, inclusive

Defendant(s)

CV 13-07811 - Fmo  
Civil Action No. Ccaj

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

DOES 1 through 10, inclusive

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

JEFFER MANGELS BUTLER & MITCHELL LLP  
ROD S. BERMAN (Bar No. 105444)  
JESSICA C. BROMALL (Bar No. 235017)  
1900 Avenue of the Stars, Seventh Floor  
Los Angeles, California 90067-4308  
Telephone: (310) 203-8080  
Facsimile: (310) 203-0567

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

OCT 22 2013

Date: \_\_\_\_\_

CLERK OF COURT

MARILYN DAVIS

Signature of Clerk



1227



Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$0.00

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

COBAY

<b>I. (a) PLAINTIFFS</b> ( Check box if you are representing yourself <input type="checkbox"/> ) DEUTSCHE OEL & GAS AG, a Stuttgart Aktiengesellschaft and KAY RIECK, an individual,	<b>DEFENDANTS</b> ( Check box if you are representing yourself <input type="checkbox"/> ) DOES 1 through 10, inclusive,
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.) JEFFER MANGELS BUTLER & MITCHELL LLP ROD S. BERMAN (Bar No. 105444) JESSICA C. BROMALL (Bar No. 235017) 1900 Avenue of the Stars, Seventh Floor Los Angeles, California 90067-4308 Tel: (310) 203-8080; Fax; (310) 203-0567	(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.) Unknown

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <div style="display: flex; justify-content: space-between;"> <div style="width:48%;"> <input type="checkbox"/> 1. U.S. Government Plaintiff                         </div> <div style="width:48%;"> <input type="checkbox"/> 3. Federal Question (U.S. Government Not a Party)                         </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width:48%;"> <input type="checkbox"/> 2. U.S. Government Defendant                         </div> <div style="width:48%;"> <input checked="" type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III)                         </div> </div>	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> -For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant) <table style="width:100%; border: none;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%;">PTF <input type="checkbox"/> 1</td> <td style="width:10%;">DEF <input type="checkbox"/> 1</td> <td style="width:33%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%;">PTF <input type="checkbox"/> 4</td> <td style="width:10%;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td>PTF <input type="checkbox"/> 2</td> <td>DEF <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td>PTF <input type="checkbox"/> 5</td> <td>DEF <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>PTF <input checked="" type="checkbox"/> 3</td> <td>DEF <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td>PTF <input type="checkbox"/> 6</td> <td>DEF <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	PTF <input checked="" type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4														
Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	PTF <input checked="" type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6														

**IV. ORIGIN** (Place an X in one box only.)

<input checked="" type="checkbox"/> 1. Original Proceeding	<input type="checkbox"/> 2. Removed from State Court	<input type="checkbox"/> 3. Remanded from Appellate Court	<input type="checkbox"/> 4. Reinstated or Reopened	<input type="checkbox"/> 5. Transferred from Another District (Specify)	<input type="checkbox"/> 6. Multi-District Litigation
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**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)

**CLASS ACTION** under F.R.Cv.P. 23: ☐ Yes ☒ No

**MONEY DEMANDED IN COMPLAINT:** \$ 75,000.00

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 28 U.S.C. § 1332(a) and 28 U.S.C. § 1391(b)(3)

**VII. NATURE OF SUIT** (Place an X in one box only).

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/Etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org. <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.) <input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <b>REAL PROPERTY</b>  <input type="checkbox"/> 210 Land Condemnation  <input type="checkbox"/> 220 Foreclosure  <input type="checkbox"/> 230 Rent Lease &amp; Ejectment                     </div>	<input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <b>TORTS</b>  <b>PERSONAL PROPERTY</b>  <input type="checkbox"/> 310 Airplane  <input type="checkbox"/> 315 Airplane Product Liability  <input checked="" type="checkbox"/> 320 Assault, Libel &amp; Slander  <input type="checkbox"/> 330 Fed. Employers' Liability  <input type="checkbox"/> 340 Marine  <input type="checkbox"/> 345 Marine Product Liability  <input type="checkbox"/> 350 Motor Vehicle  <input type="checkbox"/> 355 Motor Vehicle Product Liability  <input type="checkbox"/> 360 Other Personal Injury  <input type="checkbox"/> 362 Personal Injury-Med Malpractice  <input type="checkbox"/> 365 Personal Injury-Product Liability  <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability  <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability                     </div>	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <b>TORTS</b>  <b>PERSONAL PROPERTY</b>  <input type="checkbox"/> 370 Other Fraud  <input type="checkbox"/> 371 Truth in Lending  <input type="checkbox"/> 380 Other Personal Property Damage  <input type="checkbox"/> 385 Property Damage Product Liability  <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <b>BANKRUPTCY</b>  <input type="checkbox"/> 422 Appeal 28 USC 158  <input type="checkbox"/> 423 Withdrawal 28 USC 157                             </div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <b>CIVIL RIGHTS</b>  <input type="checkbox"/> 440 Other Civil Rights  <input type="checkbox"/> 441 Voting  <input type="checkbox"/> 442 Employment  <input type="checkbox"/> 443 Housing/Accommodations  <input type="checkbox"/> 445 American with Disabilities-Employment  <input type="checkbox"/> 446 American with Disabilities-Other  <input type="checkbox"/> 447 Education                             </div> </div>	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <b>Habeas Corpus:</b>  <input type="checkbox"/> 463 Alien Detainee  <input type="checkbox"/> 510 Motions to Vacate Sentence  <input type="checkbox"/> 530 General  <input type="checkbox"/> 535 Death Penalty                     </div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <b>Other:</b>  <input type="checkbox"/> 540 Mandamus/Other  <input type="checkbox"/> 550 Civil Rights  <input type="checkbox"/> 555 Prison Condition  <input type="checkbox"/> 560 Civil Detainee Conditions of Confinement  <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <b>FORFEITURE/PENALTY</b>  <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881  <input type="checkbox"/> 690 Other                             </div> </div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <b>LABOR</b>  <input type="checkbox"/> 710 Fair Labor Standards Act  <input type="checkbox"/> 720 Labor/Mgmt. Relations  <input type="checkbox"/> 740 Railway Labor Act  <input type="checkbox"/> 751 Family and Medical Leave Act  <input type="checkbox"/> 790 Other Labor Litigation  <input type="checkbox"/> 791 Employee Ret. Inc. Security Act                     </div>	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <b>SOCIAL SECURITY</b>  <input type="checkbox"/> 861 HIA (1395ff)  <input type="checkbox"/> 862 Black Lung (923)  <input type="checkbox"/> 863 DIWC/DIWW (405 (g))  <input type="checkbox"/> 864 SSID Title XVI  <input type="checkbox"/> 865 RSI (405 (g))                     </div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <b>FEDERAL TAX SUITS</b>  <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)  <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609                     </div>

## CIVIL COVER SHEET

**VIM. VENUE:** Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

<b>Question A: Was this case removed from state court?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino		Eastern

<b>Question B: Is the United States, or one of its agencies or employees, a party to this action?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
	A PLAINTIFF?	A DEFENDANT?	
	Then check the box below for the county in which the majority of DEFENDANTS reside:		Then check the box below for the county in which the majority of PLAINTIFFS reside:
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western	

Question C: Location of plaintiffs, defendants, and claims?	A Los Angeles County	B Ventura, Santa Barbara, or San Luis Obispo Counties	C Orange County	D Riverside or San Bernardino Counties	E Outside the Central District of California	F Other
Indicate the location in which a majority of plaintiffs reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**C.1. Is either of the following true? If so, check the one that applies:**

- ☐ 2 or more answers in Column C  
☐ only 1 answer in Column C and no answers in Column D

Your case will initially be assigned to the  
SOUTHERN DIVISION.  
Enter "Southern" in response to Question D, below.

If none applies, answer question C2 to the right. →

**C.2. Is either of the following true? If so, check the one that applies:**

- ☐ 2 or more answers in Column D  
☐ only 1 answer in Column D and no answers in Column C

Your case will initially be assigned to the  
EASTERN DIVISION.  
Enter "Eastern" in response to Question D, below.

If none applies, go to the box below. ↓

Your case will initially be assigned to the  
WESTERN DIVISION.  
Enter "Western" in response to Question D below.

<b>Question D: Initial Division?</b>	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: →	WESTERN DIVISION

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

## CIVIL COVER SHEET

IX(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

IX(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply)
- ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

X. SIGNATURE OF ATTORNEY  
(OR SELF-REPRESENTED LITIGANT):

ROD S. BERMAN

DATE: October 22, 2013

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))

